



U.S. Immigration
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Enforcement

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News Release

Minot man sentenced to five years for selling designer and misbranded drugs, violating customs laws

BISMARCK, N.D. — A former Minot, N.D., man was sentenced today to five years in prison for selling designer and misbranded drugs over the Internet, claiming they were intended for research purposes, and for violating Federal import laws.

U.S. District Court Chief Judge Daniel L Hovland sentenced Lee Michael Badrak, 34, to 60 months' imprisonment to be followed by four years of supervised release. Badrak's sentence was also based upon a conviction in a separate case for conspiracy to possess with intent to distribute and distribute cocaine, to which Badrak pleaded guilty July 14, 2005.

The sentencing was the result of a joint investigation conducted by the U.S. Food and Drug Administration Office of Criminal Investigation (FDA-OCI) in Minneapolis; U.S. Immigration and Customs Enforcement (ICE) in Minot; and the Drug Enforcement Administration (DEA) in Fargo and Bismarck.

Badrak pleaded guilty January 19, 2006, to one count of conspiracy to distribute and possess with intent to distribute controlled substance analogues 5-Methoxyalpha-methyltryptamine HCl (5-MeO-AMT) and 5-Methoxy-N, N-Disopropyltryptamine HCl (5-MeODIPT); one count of introducing the misbranded drug 2,4 Dinitrophenal (DNP) into interstate commerce; and one count of introducing the misbranded drug Nalbuphine HCl into interstate commerce.

LTK Research Products LLC (LTK), a company owned by Badrak and his wife Melissa Ashley Badrak, operated between 2000 and 2004 out of Minot, selling chemicals over its Web site, www.ltkresearchproducts.com, to thousands of individuals throughout the United States.

LTK pleaded guilty January 19, 2006, to one count of conspiracy to distribute and possess with intent to distribute controlled substance analogues in connection with sales of Alpha-methyltryptamine (AMT), (5-MeO-AMT), and (5-MeO-DIPT); and one count of importing goods,

the chemical Dextromethorphan Hydrobromide (DXM), into the United States by means of false statements.

LTK, which is no longer operating as a company, was ordered to pay a special assessment of \$200, and to forfeit all chemicals, office equipment, records, computers, and other assets to the FDA, the DEA, ICE, the North Dakota Bureau of Criminal Investigation, and Ward County Narcotics Task Force.

LTK's Web site suggested that it was in business to provide chemicals to researchers. However, the company had a history of selling hazardous chemicals that were abused as recreational hallucinogens. The investigation revealed that nearly all shipments of the chemicals were sent to individuals rather than research institutions or facilities, as portrayed by the LTK Web site. Many of the chemicals advertised for sale by Badrak and LTK were controlled substance analogues, which are similar in chemical structure and physiological effects to illegal scheduled controlled substances, primarily hallucinogens. LTK offered for sale hallucinogenic chemicals similar in effects to 3,4-methylenedioxymethamphetamine (MDMA), known on the street as Ecstasy or X, a Schedule I Controlled Substance.

Designer drug sellers try to evade the law by selling newly created analogue drugs that are similar to Ecstasy, but have not yet been scheduled as illegal drugs by the Drug Enforcement Administration. Sales of the dangerous designer drugs for personal consumption are illegal under Federal drug laws, and numerous overdoses have been traced to these illegal analogue designer drugs.

When sold as hallucinogens without directions for use or warnings, as required by the FDA, these chemicals are also considered to be "misbranded drugs." Other chemicals included in the inventory of LTK that were being illicitly sold and used are as follows: absinthe oil; Nalbuphine HCl (an analgesic opiate approved for use by the FDA when lawfully sold as a prescription pain drug, but widely abused by bodybuilders to treat pain); 2,4-Dinitrophenol (DNP), also known as "2,4 D" (widely used by bodybuilders for weight loss); Scopolamine HBR (commonly used as a motion sickness medicine); and Dextromethorphan HBR (DXM), which is the active ingredient in several over-the-counter brands of cough medicine.

DXM is a disassociative analgesic, which is similar in effects to Ketamine (known on the street as "Cat" or "Special K") and Phenylcyclidine (PCP), known on the street as "Angel Dust," both of which are Schedule I controlled substances. DXM is widely abused by teenagers, who will often drink several bottles of cough syrup at a time. There have been several overdoses attributed to DXM, as well as several deaths of individuals under DXM intoxication. These drugs were also sold with no directions for use or adequate warnings against use as required by law, making these drugs misbranded.

Sentencing for Badrak and LTK marks the conclusion of the North Dakota portion of a coordinated nationwide investigation of several companies that sold "designer drugs" and related chemicals over the Internet, primarily to teenagers and young adults, under the guise of "research chemicals."

According to U.S. Attorney Wrigley, the nationwide investigation targeted a number of internet chemical sellers operating through Web sites under the guise of being legitimate companies selling chemicals to researchers. In addition to LTK Research Products, those sellers included:

www.racresearch.com; www.americanchemicalsupply.com; www.pondman.nu;
www.duncanlabproducts.com; and omegafinechemicals.com.

“The sale and consumption of dangerous chemicals publicly offered for sale by LTK and other Internet companies is illegal and a serious health and safety problem for our citizens,” said Wrigley. “The coordinated efforts of state and Federal agencies throughout the country closed them down.”

“This is a prime example of how cooperative law enforcement can root out criminals who believe they can use the Internet to hide their actions,” said Mark Cangemi, special agent in charge of the Office of Investigations for U.S. Immigration and Customs Enforcement (ICE) in Bloomington, Minn. “The complexity of this case required the combined efforts of local, county, state and federal law enforcement. No single agency could have done it alone.”

Although Badrak and LTK were put out of business following the execution of state and federal search warrants in April 2004, other illegal chemical sellers often rise up to take their place. Anyone who is aware of companies selling these dangerous chemicals to the general public rather than to legitimate research labs and companies should contact the Food and Drug Administration Office of Criminal Investigation at 1-800-521-5782 or the Drug Enforcement Administration at 1-701-250-4550 in Bismarck, N.D.

The North Dakota portion of the nation-wide investigation, designated Operation Web Tryp, was conducted by agents of the U.S. Food and Drug Administration Office of Criminal Investigation (FDA-OCI) in Minneapolis; the Drug Enforcement Administration (DEA) in Fargo and Bismarck, N.D.; Immigration and Customs Enforcement (ICE) in Minot, N.D.; the United States Postal Inspection Service in St. Paul, Minn., and the Ward County Narcotics Task Force (comprised of agents from North Dakota Bureau of Criminal Investigation, Ward County Sheriff’s Department and Minot Police Department); with assistance from the FDA Forensic Chemistry Center, the Ward County State’s Attorney’s Office and Minnesota National Guard.

Assistant United States Attorney Scott J. Schneider prosecuted the case.

ICE

U.S. Immigration and Customs Enforcement (ICE) was established in March 2003 as the largest investigative arm of the Department of Homeland Security. ICE is comprised of four integrated divisions that form a 21st century law enforcement agency with broad responsibilities for a number of key homeland security priorities.